

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Matthew Schieno, being first duly sworn, depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (“SA”) with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), currently assigned to the Billings Field Office. I have been employed by the ATF since September of 2015. I have completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (“FLETC”). I have also completed ATF Special Agent Basic Training course. While attending the academies at FLETC in Glynco, Georgia, I received specialized training concerning violations of the Gun Control Act (GCA) within Title 18 of the United States Code and violations of the National Firearms Act (NFA) within Title 26 of the United States Code. As such, I am an investigative or law enforcement officer of the United States, within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States empowered by law to conduct investigations and make arrests for offenses enumerated by 18 U.S.C. § 2516.

2. Your Affiant is involved in the investigation of suspected violations of Federal firearms laws by Eric Fredrick Welch Jr.

II. DESCRIPTION

3. This Affidavit is submitted in support of a Criminal Complaint requested for Eric Fredrick Welch Jr., charging him with Knowing Theft of Firearms from a Licensee in violation of Title 18, United States Code, § 922(u), Knowing Possession of Stolen Firearms in violation of Title 18, United States Code, § 922(j). The statements in this Affidavit pertain to the investigation described below and are based in part on information provided by my own observations and experience as an ATF Special Agent, and the observation and experiences of other fellow law enforcement officers participating in the investigation. This Affidavit does not purport to contain all the facts related to this investigation, but only those facts necessary to establish probable cause with respect to the aforementioned offenses.

III. PROBABLE CAUSE

4. On June 12, 2023, at approximately 0344 hours, Yellowstone Pawn, a Federal Firearms Licensee (FFL) Dealer, was burglarized and six (6) firearms were stolen. The Billings Police Department initially responded, and no suspects were identified.
5. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agents (SA) were notified at approximately 0530 hours of the Burglary and immediately responded to the scene. An inventory of all the firearms from Yellowstone Pawn was conducted by ATF Industry Operations Investigators and a complete list of the firearms and serial numbers that were stolen during the burglary were provided to your Affiant and other agents on scene.
6. After reviewing the surveillance video from the FFL as well as numerous surrounding businesses, Agents were able to determine that a male suspect, who arrived in a what appeared to be a white Ford pickup, was wearing a mask, a baseball cap, a light-colored hooded sweatshirt, black gloves, light colored jeans, and white sneakers broke in through the rear door of the business. Your Affiant observed the suspect to have dark hair and dark facial hair, long eyebrows, and earrings. The male suspect stole numerous items from Yellowstone Pawn to include the six pistols from a glass display

case. The male suspect was seen on surveillance video leaving through the back door with the stolen items. The pistols were later identified as follows:

- Sig Sauer, model P227, .45 caliber pistol, serial number 51B026240
- Canik, model 2, 9 mm pistol, serial number 22AP02544
- Smith and Wesson, model SW9VE, 9 mm pistol, serial number DYK5087
- Smith and Wesson, model 5906, 9 mm pistol, serial number TZS6732
- Canik, model TP9SA, 9 mm pistol, serial number T6472-21 AP22243
- Sig Sauer, model SP2340, .40 caliber pistol, serial number SP0016944

7. Your Affiant was notified that a white Ford F350 (MT license plate 375964D) and trailer had been reported stolen on June 11, 2023, from AAA Parking Lot Striping located at 138 Orchard Lane, Billings, MT 59101.
8. On June 13th and 14th, 2023 your Affiant reviewed copies of security surveillance footage provided by AAA Parking Lot Striping which revealed that at approximately 0243 hours according to the video timestamp, the suspect arrived in a green SUV, later identified as a green GMC Yukon bearing MT license plate 3-11261E. The suspect entered the business by breaking out the front windows with a hammer. Your Affiant observed the suspect to be a male suspect with dark hair, dark facial hair, long eyebrows, and earrings closely matching the description of the suspect from the Yellowstone Pawn Burglary. The above listed truck and a trailer were seen departing the property by driving through the gate at approximately 0350 hours according to the video timestamp.

9. On June 13th and 14th, 2023, your Affiant reviewed surveillance footage of the truck, trailer, and green GMC Yukon arrive at the 3G's convenience store, located at 4410 State Ave., Billings, MT 59101 at approximately 0351 hours according to the video timestamp. 4410 State Ave., Billings, MT 59101 is located approximately .2 miles away from AAA Parking Lot Stripping located at 138 Orchard Lane, Billings, MT 59101. Your Affiant observed a male suspect get out of the Ford F350 pickup and retrieve tools from the green GMC Yukon prior to unhooking the trailer from the F350 pickup. Your Affiant observed the male suspect discard black gloves near the F350 pickup. Your Affiant observed the suspect to be a male suspect with dark hair, dark facial hair, long eyebrows, and earrings closely matching the description of the suspect from the Yellowstone Pawn Burglary.
10. On June 15, 2023, your Affiant and ATF Task Force Officer (TFO) Scott Johnson went to the listed address on the green GMC Yukon's registration, 2224 Beloit Dr., Billings, MT 59102. Shortly after arrival, SA Schieno and TFO Johnson made contact with Erik Castillo, the listed owner of the green GMC Yukon. SA Schieno identified himself to Castillo as an ATF Special Agent and asked Castillo if Castillo was still the owner of a green GMC Yukon. Castillo stated he had sold the vehicle to Eric Welch and Welch's

girlfriend at that time, Johanna Bigman. Castillo stated Welch still had the vehicle.

11. Your Affiant viewed Facebook photos as well as Welch's Driver's License photograph and observed that Welch's physical description closely matched that of the Burglary suspect, to include his dark hair, dark facial hair, long eyebrows, and earrings closely matching the description of the suspect from the Yellowstone Pawn Burglary on June 12, 2023.

12. Your Affiant received a listed address for Welch at the Colton Heights Apartment Complex, located at 2013 Woody Drive Billings, MT 59102. SA Schieno and TFO Johnson went to the Colton Heights Apartment Complex where the above listed Ford F350 was located in the parking area and a person closely matching the description of the Yellowstone Pawn burglary suspect was observed moving items in and out of the passenger compartment and cargo area. SA Schieno and TFO Johnson surveilled the male suspect while Billings Police Officers arrived to assist. Upon the Billings Police Department Officers arrival in clearly marked law enforcement vehicles, Welch fled on foot towards the direction of the apartment buildings. Your Affiant followed Welch to the north side parking area of the apartment complex where your Affiant observed Welch retrieve a pistol from his waist area and throw the pistol in the air away from Welch. Your Affiant and BPD

Officers gave Welch verbal commands to lay on the ground at which time Welch was taken into custody.

13. The firearm Welch discarded was located a short distance away. The firearm was identified as follows: Smith & Wesson, model 5906, 9 mm pistol, bearing serial number TZS6732. Your Affiant identified the pistol as one that had been reported stolen from Yellowstone Pawn on June 12, 2023.
14. On June 20, 2023, your Affiant heard jail phone calls from WELCH to a female WELCH identified as "Mom." The Yellowstone County Jail Call log identified the caller as Shasta Welch using phone number (406)606-9678. Your Affiant heard WELCH state on the jail call on June 19, 2023, at approximately 0723 hours that WELCH stated "I broke into Yellowstone Pawn and stole 8 guns."
15. Your Affiant is aware that the stolen firearm found in Welch's possession as well as those stolen from Federal Firearms Licensee, Yellowstone Pawn, were each manufactured outside of the state of Montana and travelled in or affected Interstate Commerce.

IV. CONCLUSION

16. Based on the above information, observations, and investigation, on June 12, 2023, in Yellowstone County, Montana, in the State and District of

Montana, Eric Fredrick Welch Jr. committed the crime of Knowing Theft of Firearms from a Licensee in violation of Title 18, United States Code, § 922(u).

17. Based on the above information, observations, and investigation, on June 15, 2023, in Yellowstone County, Montana, in the State and District of Montana, Eric Fredrick Welch Jr. committed the crime Knowing Possession of a Stolen Firearm in violation of Title 18, United States Code, § 922(j).

18. I swear that the facts presented herein are true and accurate to the best of my knowledge.




Matthew Schieno, ATF Special Agent



Date

SUBSCRIBED TO AND SWORN BEFORE ME THIS 20th DAY OF June 2023.



Honorable Judge Timothy J. Cavan
United States Magistrate Judge
District of Montana